

APPEAL NO. 031318
FILED JULY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 21, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury; that claimant did not have disability; and that respondent (carrier) did not waive the right to contest the compensability of the claim. Claimant appears to appeal the determination regarding whether she sustained an injury in the course and scope of her employment. Claimant also contends that the hearing officer erred in applying the law in deciding the waiver issue. Claimant contends that, if her injury is found to be compensable, then she had disability from April 8 through September 20, 2002. Carrier responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that she "carried her burden on all issues." We have reviewed the hearing officer's determinations regarding whether claimant sustained an injury at work and conclude that the issue involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Claimant contends that the hearing officer erred in determining that carrier did not waive the right to contest the compensability of the claimed injury. Claimant asserts that carrier's Payment of Compensation or Notice of Refused/Disputed Claim (TWCC-21) was not sufficient to meet the rule requirements of Tex. W. C. Comm'n, 28 TEX. ADMIN. CODE § 124.2 (Rule 124.2). In its TWCC-21 dated April 19, 2002, carrier disputed stating, "[q]uestionable that injury arose out of and in the course and scope of employment. No medical to substantiate injury related to work and disability due to injury." We hold that carrier's TWCC-21 is sufficient to satisfy the requirements of Rule 124.2. See Texas Workers' Compensation Commission Appeal No. 020224, decided March 15, 2002; Texas Workers' Compensation Commission Appeal No. 93302, decided June 2, 1993; Texas Workers' Compensation Commission Appeal No. 931148, decided February 1, 1994. Because claimant's injury is not compensable, the hearing officer did not err in determining that she did not have disability.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO
12222 MERRIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge